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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,072	07/13/2005	Yoshihisa Huruta	VX052684 PCT	9687
21369 7590 05/28/2008 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DR. SUITE 101 RESTON, VA 20191				
EXAMINER				
GROSSO, HARRY A				
ART UNIT		PAPER NUMBER		
3781				
MAIL DATE		DELIVERY MODE		
05/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,072

Applicant(s)

HURUTA, YOSHIHISA

Examiner

HARRY A. GROSSO

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 7/13/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed July 13, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Copies were not provided for two of the foreign patents cited, JP 58-192228 and JP 6-80638.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation of a case having the shape of a rectangular solid, however, the figures illustrate a solid that is tapered from top to bottom and not a rectangular solid. The claim intent is unclear. Claims 2-7 depend on claim 1.
3. Claim 6 recites the limitation "the legs" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Konoike (JP 2003 095247 A). Konoike discloses a case in the shape of a rectangular solid that is open at the top, having flanges that protrude outward at the opening edges with coupling elements that are dovetail projections and dovetail grooves (Figures 2-4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodring (Des. 407,929) in view of Konoike. Woodring discloses a case that is a rectangular solid, as best understood, with an open top and a flange protruding outward with coupling elements that are projections and grooves (Figures 1-4). Woodring does not teach the coupling elements are dovetail projections and grooves. Konoike discloses a similar container with coupling elements that are dovetail projections and grooves. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of coupling elements that are dovetail projections and grooves as disclosed by Konoike in the case disclosed by Woodring to provide a means for locking the cases in the coupled configuration.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodring as modified by Konoike in view of Masser (3,131,829). Woodring as modified by Konoike discloses the invention except for the dovetail projections and grooves formed in the flanges at an inclination. Masser discloses a case with dovetail projections and grooves with edges formed at an inclination (Figures 1-3) to limit vertical movement of the cases relative to each other when coupled (column 2, lines 60-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of dovetail projections and grooves formed at an inclination as disclosed by Masser in the case disclosed by Woodring as modified by Konoike to limit possible vertical movement of the cases relative to each other when coupled.

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodring as modified by Konoike in view of Ramsey et al (5,042,674). Woodring as modified by Konoike discloses the invention except for the through-holes in the flanges. Ramsey et al discloses a case with outwardly protruding flanges having through-holes for water flow (102, Figure 1, column 5, lines 19-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of through-holes in the flanges as disclosed by Ramsey et al in the case disclosed by Woodring as modified by Konoike to allow water to flow through the flanges.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodring as modified by Konoike in view of Apps (4,823,955). Woodring as modified by Konoike discloses the invention except for legs on the corners of the bottom wall. Apps discloses a similar case with legs (34, Figure 1, column 3, lines 26-28). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of legs at the corners of the bottom as disclosed by Apps in the case disclosed by Woodring as modified by Konoike to provide clearance under the case.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodring as modified by Konoike in view of Martin (4,027,796). Woodring as modified by Konoike discloses the invention including side walls inclined to the inside in a downward direction but does not teach beads that protrude inward on side walls that face each other to allow for nesting or stacking of cases. Martin discloses a similar case with inward beads (34, Figures 1-10, column 4, lines 33-44) on facing side walls configured to allow two cases to be nested in one orientation and stacked when one case is rotated 180 degrees from the nested orientation (Figures 3-4 and 6-7, column 5, lines 52-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of beads that protrude inward on side walls that face each other as disclosed by Martin in the case disclosed by Woodring as modified by Konoike to allow both nesting and stacking of the containers.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodring as modified by Konoike and Apps in view of Martin. Woodring as modified by Konoike and Apps discloses the invention except for holes in the bottom wall of the case. Martin discloses a case with holes in the bottom wall for water drainage (28, Figure 1, column 4, lines 2-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of holes in the bottom wall as

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disclosed by Martin in the case disclosed by Woodring as modified by Konoike and Apps to provide for drainage of water from the case.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRY A. GROSSO whose telephone number is (571)272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harry A. Grosso/
Primary Examiner, Art Unit 3781

hag